

# **EXHIBIT 13**



**David M. Levy**  
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May 25, 2023

**Via Email—[eliot.lauer@katten.com](mailto:eliot.lauer@katten.com)**

Eliot Lauer, Esq.  
Katten Muchin Rosenman LLP  
50 Rockefeller Plaza  
New York, NY 10020-1605

**Re: Jeffrey Frommer, Lyusen Krubich, Daniel Fried and Pat Capra**

Dear Mr. Lauer:

As you know, we represent MoneyLion Technologies Inc. (“MoneyLion”) and MALKA Media Group LLC (“MALKA” and, together with MoneyLion and its affiliates, the “Company”) concerning matters relating to your client’s separation from the Company. Please accept this in response to your May 23, 2023 letter to the Company’s Chief Legal Officer, Adam VanWagner. Going forward, please direct all further communications to me or my partner, Marc Rosen, and not to our client.

Before addressing the matters raised in your letter, we are constrained to advise you of certain recent developments that require your immediate attention. Despite your clients being expressly cautioned not to return to the Company’s offices after their departure on Friday, May 19, 2023, and being specifically requested to make immediate arrangements to return all of the Company’s property in their possession, Mr. Krubich nevertheless accessed MALKA’s Santa Monica offices on Sunday, May 21, 2023, without the Company’s consent, and was seen removing Company laptops and boxes of what appear to be business documents. If you are interested, we can provide you with the surveillance footage which our client has made available to us. Although your clients may disagree with the decision to terminate their employment for cause, this type of conduct is unlawful and will not be tolerated. We urge you to caution your clients in the strongest terms to refrain from entering the Company’s offices without express permission to do so, and to make arrangements with the Company’s Chief People Officer, Kate Fallon ([kfallon@moneylion.com](mailto:kfallon@moneylion.com)) to immediately return all Company property.

You may assure your clients that their personal belongings are being carefully gathered and securely maintained. Each of your clients will be notified by the Company once that process is completed, at which time the logistics for their return can be addressed.

Additionally, despite being expressly cautioned not to contact any of the Company’s employees, we were informed by the Company that your clients have directly contacted multiple MALKA employees since their departure, including repeated attempts to contact certain individuals such that those individuals felt obligated to report it internally. This harassing behavior will not be



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tolerated by the Company, and we request that you urge your clients to cease and desist from any further attempts to contact Company employees and to honor their on-going restrictive covenant obligations under the Membership Interest Purchase Agreement dated November 15, 2021, and their former employment agreements.

With respect to your request for documents supporting the *for cause* termination of your clients' employment, your letter seems to imply that the Company is under an obligation to provide all such information "immediately." While we are encouraged by the fact that "[y]our clients intend to promptly reimburse the Company for such amounts" that may have been improperly expended for their personal use, the Company is under no such obligation, and your clients are in no position to make such a demand. We refer you to the May 19, 2023 termination letters which clearly state that once the Company's review is completed, all of the supporting information concerning the Company's demand for reimbursement will be compiled and provided to them. As you correctly note, the process of reviewing MALKA's financial and business records (including, but not limited to, those items referenced in your letter), is still ongoing, and it is the Company's preference not to address these matters in a piecemeal fashion.

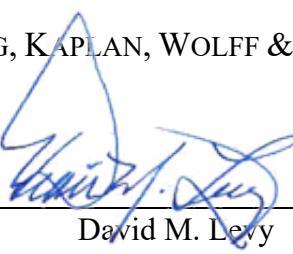
We trust that you will guide your clients accordingly. Please do not hesitate to contact us if you have any questions or wish to discuss these matters further.

All legal and equitable rights are expressly reserved.

Yours sincerely,

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.

By: \_\_\_\_\_

  
David M. Levy

DML:jlf

cc (all via email): Adam VanWagner, Esq.  
Marc R. Rosen, Esq.  
Alisa Benintendi, Esq.  
Evan Borenstein, Esq.  
Geoffrey Young, Esq.